

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION

| | | |
|---------------------|---|--------------------------------|
| LORMAN L. SKINNER | § | CIVIL ACTION NO. 6:21-cv-01833 |
| <i>Plaintiff</i> | § | |
| v. | § | JUDGE ROBERT R. SUMMERHAYS |
| | § | |
| AMERICAN POLLUTION | § | MAGISTRATE JUDGE |
| CONTROL CORPORATION | § | WHITEHURST |
| <i>Defendant</i> | § | |
| | § | JURY TRIAL DEMANDED |

VERDICT FORM

Section A: Hostile Work Environment Claim

Question No. 1

Did Drew Duval harass Plaintiff Skinner because of his race?

Answer "Yes" or "No." NO

If you answered "No," your deliberations with respect to Plaintiff's Hostile Work Environment Claim are finished, and you may proceed to Section B.

If you answered "Yes," then proceed to Question No. 2.

Question No. 2:

Did Defendant AMPOL know, or in the exercise of reasonable cause should Defendant AMPOL have known, that Plaintiff Skinner was being harassed on the basis of his race?

Answer "Yes" or "No." _____

If you answered "No," your deliberations with respect to Plaintiff's Hostile Work Environment Claim are finished, and you may proceed to Section B.

If you answered "Yes," then proceed to Question No. 3.

Question No. 3:

Did Defendant AMPOL fail to take prompt remedial action?

Answer "Yes" or "No." _____

Section B: Retaliation Claim

Question No. 4.

Do you find that Plaintiff Skinner engaged in protected activity when he reported racial harassment exhibited by a Caucasian, Drew Duval, to Bayou Vista Facility Manager, Casey Guidry and/or Supervisor, Cory Breaux, in February 2020?

Answer "Yes" or "No" NO

Question No. 5:

Do you find that Plaintiff Skinner reported Drew Duval's continuing racist behavior, including racial slurs, to Casey Guidry and/or Supervisor, Cory Breaux, *after* the February 12, 2020 incident?

Answer "Yes" or "No" NO

If you answered "Yes" then proceed to Question No. 6.

If you answered "No" then proceed to Question No. 7.

Question No. 6:

Do you find that Plaintiff Skinner engaged in protected activity by reporting Drew Duval's continuing racist behavior, to Casey Guidry and/or Supervisor, Cory Breaux, *after* the February 12, 2020 incident?

Answer "Yes" or "No" _____

Question No. 7:

Do you find that Plaintiff Skinner engaged in protected activity when he submitted his EEOC Inquiry on February 18, 2020?

Answer "Yes" or "No" Yes

Question No. 8:

Do you find that AMPOL had knowledge of Plaintiff's EEOC activity prior to April 2, 2020?

Answer "Yes" or "No" NO

If you answered "Yes" then proceed to Question No. 9.

If you answered "No" to this question; and

"Yes" to Question No. 4 or Question No. 5, then proceed to Question No. 9.

If you answered "No" to Question No. 4, Question No. 5, Question No. 6, and to Question No. 8, your deliberations with respect to Plaintiff's retaliation claim are finished. If you also answered "No" to Question No. 1, Question No. 2, or Question No. 3, your deliberations with respect to this case are finished. Please have the foreperson sign this form and return it to the Court Security Officer.

Question No. 9:

Do you find that Plaintiff Skinner would *not* have been terminated but for his complaints of racial harassment to Defendant AMPOL in February 2020 and/or his EEOC Inquiry on February 18, 2020?

Answer "Yes" or "No" _____.

Section C: Damages

Only answer this section if you have answered:

"Yes" to Question No. 3 or Question No. 9.

Question No. 10

What sum of money, if paid now in cash, would fairly and reasonably compensate Plaintiff Skinner for the damages, if any, you have found Defendant AMPOL caused Plaintiff Skinner?

Answer in dollars and cents for the following items and none other:

1. Past pain and suffering, inconvenience, mental anguish, and loss of enjoyment of life.

\$ _____

2. Future pain and suffering, inconvenience, mental anguish, and loss of enjoyment of life.

\$ _____

3. Wages and benefits after April 2, 2020.

\$ _____

Total of subparts 1-3 above for Question No. 10 is \$ _____

Question No. 11

Do you find that Plaintiff Skinner failed to reduce his damages through the exercise of reasonable diligence in seeking, obtaining, and maintaining substantially equivalent employment after the date of his resignation/constructive discharge?

Answer "Yes" or "No" _____

If you answered "Yes," then proceed to Question No. 12.

If you answered "No," enter \$0.00 for Question No. 12 and proceed to Question No. 13.

Question No. 12

How much would Plaintiff Skinner have earned had he exercised reasonable diligence under the circumstances to minimize his damages?

Answer in dollars and cents, if any.

\$ _____

Subtract the above amount found for Question No. 10 from Question No. 8.

Total: \$ _____

Question No. 13

Do you find that Plaintiff Skinner should be awarded punitive damages?

Answer "Yes" or "No" _____

If you answered "Yes," then proceed to Question No. 14:

If you answered "No", then enter \$0.00 as the answer to Question No. 14 and sign the last page of this document.

Question No. 14

What sum of money should be assessed against Defendant AMPOL as punitive damages?

Answer in dollars and cents:

\$ _____

You are finished. The jury foreperson or presiding juror is to sign and date this form below.

REDACTED

Jury Foreperson or Presiding Juror

REDACTED

Printed Name

05/24/23

Dated